

**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re:) Chapter 13 Case No.: 17 - 52679 - amk
)
Brandi Monique Daniels)
)
) Judge Alan M. Koschik
)
Debtor.) Original Chapter 13 Plan
) X Third Amended Chapter 13 Plan 6/22/18
) X See Paragraph Twelve for Special Provisions

ATTENTION CREDITORS - YOUR RIGHTS MAY BE AFFECTED.

The purpose of this plan is to organize how claims are proposed to be paid and allow users of the plan to easily review the plan for specific items and treatment under the plan. Creditors must exercise their own judgment in deciding whether to accept or oppose the plan. Creditors should read this plan carefully and discuss it with their attorney. Anyone who wishes to oppose any provision of this plan must file with the Court a timely written objection. This plan may be confirmed and become binding without further notice or hearing unless a timely written objection is filed. Creditors must file a proof of claim with the Court in order to receive distributions under this plan. Absent an objection by the Debtor(s) or other party in interest, the Trustee shall pay claims as filed. Secured claims must have proof of security attached. Creditors claiming a right to interest should state the interest rate on the front page of the proof of claim.

Plan is being amended: (1) to remove Summit County Fiscal Officer from paragraph 4(b). Creditor was inadvertently scheduled in paragraph 4(b) and was properly scheduled in paragraph 10, and to decrease the monthly plan payment..

I. PLAN PAYMENTS

Within 30 days of the filing of this bankruptcy case, the Debtor or Debtors (hereinafter "Debtor") shall commence making monthly plan payments (the "Monthly Plan Payment") pursuant to 11 U.S.C. §1326(a)(1), as follows:

A. To the Chapter 13 Trustee (hereinafter "Trustee"): \$504.00 per month, payable in
monthly semi-monthly ☒ bi-weekly weekly installments of \$ 232.62

☒ The Debtor is employed by Third Federal Savings & Loan, 7007 Broadway Avenue, Cleveland, OH 44105
and debtor shall make payment by payroll deduction.

☐ The Debtor is self-employed and shall make payments to the Trustee by cashier check or money order.

☐ The Debtor is retired and/or has (source of income) and shall make payments to the Trustee by check or money order.

TAX REFUNDS

The Debtor(s) further proposes to devote all annual income tax refunds greater than \$1,500 (Fifteen Hundred Dollars), excluding child care, educational, and earned income credits to the repayment of creditors under this plan. Tax Refunds are in addition to the monthly plan payment and the Trustee is authorized to adjust the unsecured dividend based on the turnover of any future tax refunds.

TEMPORARY SUSPENSION OF PLAN PAYMENTS

Upon application by the Debtor(s), and for good cause shown, the Court may consider and may grant a temporary suspension of plan payments without hearing or notice. A suspension of plan payments, if approved by the Court, will not

reduce the total amount of repayment creditors are to receive under the plan. The Debtor(s) agree that should a pay suspension be approved, the suspended payments shall be added to the end of the plan and must be made in order for the Debtor(s) to earn a discharge. The Debtor(s) may extend the duration of their plan in order to make up the suspended payments. Creditors entitled to interest shall their interest continue to accrue during any suspension period. Debtor(s) shall not suspend their plan payments to a level which prohibits conduit mortgage payments from being paid.

2. ADEQUATE PROTECTION PAYMENTS PRIOR TO CONFIRMATION

Concurrent with the filing of this plan, the Debtor has filed an agreed entry with the Trustee authorizing the Trustee to make adequate protection payments to the following creditors. Pursuant to 11 USC Section 102, creditors shall have 20 days to review the agreed entry for adequate protection payments and file an objection if the creditor opposes the adequate protection payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Acc't #</u>	<u>Address</u>	<u>Amount</u>
NONE				

3. ORDER OF DISTRIBUTION

After confirmation of this plan, funds available for distribution will be paid monthly by the Trustee in the following order: (i) Trustee's authorized percentage fee and/or administrative expenses; (ii) attorney fees as allowed under applicable rules and guidelines; (iii) monthly payments as provided for in Paragraphs 4, 5 and 6; (iv) priority domestic support obligation claims pursuant to 11 U.S.C. §507(a)(1); (v) other priority unsecured claims pursuant to 11 U.S.C. §507(a); and (vi) general unsecured claims. If the Trustee has received insufficient funds from the Debtor to make the monthly payment to secured creditors, the Trustee may use best efforts to pay secured creditors from the funds on deposit with the Trustee on the date of distribution. Should the Debtor's plan payments result in the completion of payments to unsecured and priority creditors while leaving a balance owing to secured creditors, the Trustee is authorized to remove the fixed monthly payment amounts to finish payment to secured creditors on a pro rata basis in order to expedite payment to the secured creditors.

4. CLAIMS SECURED BY REAL PROPERTY

A. Conduit Mortgage payments to be Paid Through the Chapter 13 Plan

1. The Debtor(s) Residence

<u>Creditor</u>	<u>Property Address</u>	<u>Monthly Payment</u>
NONE		

2. Other real properties with mortgage payments to be conduit through the plan:

<u>Creditor</u>	<u>Property Address</u>	<u>Monthly Payment</u>
NONE		

Conduit payments shall begin for the month which the case was filed,. During the plan, conduit payments are subject to changes due to escrow, interest and other adjustments. Unless real estate taxes and insurance are included in the mortgage payments paid by the Trustee pursuant to the Plan, the Debtor shall remain responsible for paying those obligations as they become due. The creditor should file with the Court any changes in the

mortgage payment. If the mortgage payment is increased and it causes feasibility issues, the Trustee will file a motion to increase the Debtor's payments to maintain feasibility of the plan. The Trustee shall not commence monthly mortgage payments until the creditor files its Proof of Claim and the Plan is confirmed. The mortgage creditor, or any of its successor or services, shall accept the Trustee's payment as being timely made. However, debtor bears ultimate responsibility of making the monthly Chapter 13 payment timely in order for the Trustee to make the mortgage payment.. Accordingly the debtor(s) shall ensure that the Trustee receives the payment no later than the 20th of each month so that the mortgage payment can be made. The Trustee shall not bear responsibility to the creditor should the debtor fail to make the Chapter 13 plan payment timely

B. Mortgage Arrearages and Real Estate Tax Arrearages

Trustee shall pay the monthly payment amount to allowed claims for mortgage arrearages and real estate tax arrearages in equal monthly payments or pro rata (whichever is stated below).

<u>Creditor</u>	<u>Property Address</u>	<u>Estimated Arrearage Claim</u>	<u>Monthly Payment (Paid by Trustee)</u>
Summit County Fiscal Officer	322 Trigonía	\$1,566.83	\$75.00

C. Liens and Other Claims secured by Real Estate

<u>Creditor</u>	<u>Property Address</u>	<u>Amount to be Paid Through the Plan</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

5. CLAIMS SECURED BY PERSONAL PROPERTY

A. Secured Claims to be Paid Through the Plan:

Trustee shall pay the following claims in equal monthly payments.

<u>Creditor</u>	<u>Collateral Description</u>	<u>Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
Santander Financial	2012 Kia Forte	\$9,834.41	6.50%	\$250.00

6. FEDERAL TAX LIENS SECURED BY REAL AND PERSONAL PROPERTY

<u>Claim Amount</u>	<u>Interest Rate</u>	<u>Monthly Payment (Paid by Trustee)</u>
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NONE

7. DOMESTIC SUPPORT OBLIGATIONS

Debtors does do not X have domestic support obligations pursuant to 11 U.S.C. §101(14A).

If the Debtor does have domestic support obligations:

The holder(s) of any claims for domestic support obligations pursuant to 11 U.S.C. §1302(d) are as specified below. If the holder of a claim is a minor, the name and address of the minor holder shall be disclosed to the Trustee contemporaneously with the filing of this plan in compliance with 11 U.S.C. §112.

<u>Holder Name</u>	<u>Address of Holder (If Known)</u>	<u>Address of Child Enforcement Support Agency (Mandatory)</u>
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NONE

Trustee shall pay pursuant to 11 U.S.C. §507(a)(1) on a pro-rata basis the allowed arrearage claims for domestic support obligations. Debtor shall pay all post-petition domestic support obligations as those payments ordinarily come due.

<u>Creditor Name</u>	<u>Creditor Address</u>	<u>Estimated Arrearage Claim</u>
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NONE

8. OTHER PRIORITY CLAIMS

Trustee shall pay pursuant to 11 U.S.C. §507(a) on a pro-rata basis other allowed unsecured priority claims.

<u>Creditor</u>	<u>Claim Amount</u>
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State of Ohio	\$175.53
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9. GENERAL UNSECURED CLAIMS

All timely filed pre-petition undisputed non priority unsecured creditors shall receive a 100% dividend..

The Trustee is authorized to adjust the percentage dividend or dollar amount if funds other than the scheduled plan payments are received by the Trustee, unless the Court has ordered the funds distributed to secured or priority creditors. This can include, but is not limited to, the turnover of tax refunds, property sales, inheritance, or bonuses while the Chapter 13 plan is pending.

The Trustee is authorized to adjust the percentage dividend or dollar amount accordingly if any unsecured creditor returns funds to the Trustee for any reason. The returned funds will be distributed to the remaining unsecured creditors.

The Trustee is authorized to adjust the percentage dividend or dollar amount accordingly if all unsecured creditors have not filed claims by the claims bar date, and the failure of these creditors to file claims will cause the plan to complete before the Debtor(s)'s respective applicable commitment period.

Unless the Court orders otherwise, the Trustee is authorized to adjust the percentage dividend or dollar amount to that the Debtor(s) plan extends for the Debtor(s)'s full applicable commitment period.

THE TRUSTEE IS NOT AUTHORIZED TO INCREASE PLAN PAYMENTS UNLESS THE TRUSTEE HAS FILED A MOTION PUTTING THE DEBTOR AND DEBTOR'S COUNSEL ON NOTICE AND THE COURT APPROVES THE MOTION.

10. PROPERTY TO BE SURRENDERED

Debtor will surrender the following property no later than 30 days from the filing of the case unless specified otherwise in the plan. The creditor may file a claim for the deficiency and will be treated as a non-priority unsecured creditor. Any unsecured deficiency claim must be filed within 180 days from the date that the petition is filed. A deficiency claim filed beyond the 180 days must be allowed by separate order of the Court.

<u>Creditor</u>	<u>Property Description</u>
Wood Cove III	1344 8th Avenue, Akron, Ohio
Summit County Fiscal Officer	1344 8th Avenue, Akron, Ohio

11. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

All executory contracts and unexpired leases are rejected except the following, which are assumed and shall be paid directly by the Debtor to the creditor:

<u>Creditor</u>	<u>Property Description</u>
NONE	

12. POST-PETITION CLAIMS

The plan shall allow for the payment of all or a part of a post-petition claim allowed under 11 U.S.C. Sec. 1305.

13. SPECIAL PROVISIONS

1. Debtor owes student loans to EdSouth / GLELSI, Key Education Resource, and US Dept of Education / GLELSI. These loans extend beyond the 60 month term of debtor's plan. These loans will be paid by debtor outside of the plan. The trustee will make no distribution to these creditors from the plan payments.

/s/ Brandi Monique Daniels

Brandi Monique Daniels – Debtor

DATE: 6/6/18

Submitted,

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA

Mark H. Knevel, 0029285

Attorneys for Debtor

5250 Transportation Blvd Suite 201

Garfield Heights, Ohio 44125

(216) 523 - 7800 FAX 523-7801

Email: mknevel@knevellaw.com

CERTIFICATION OF SERVICE

I certify a true and correct copy of the Debtor's Amended Chapter 13 Plan, was served via the Court's Electronic Case Filing System as indicated below, or by Ordinary US Mail, on this the 22nd day of June, 2018:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Office of the United States Trustee – Region 9

Cleveland Office of the United States Trustee, on behalf of Daniel M. McDermitt, United States Trustee for Region 9 at the registered United States Trustee ECF mail box @usdoj.gov, established with the bankruptcy court.

Chapter 13 Trustee

Keith Rucinski at krucinski@ch13akron.com
Joseph A. Ferrise at jferrise@ch13akron.com

By Ordinary US Mail

Debtor

Brandi Monique Daniels
322 Trigon Drive
Akron, OH 44302

Creditors

All scheduled creditors
(See attached clerk's mailing matrix)

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NORTHERN DISTRICT OF OHIO

In Re:) Chapter 13 Case No.: 17 - 52679 - amk
)
Brandi Monique Daniels)
) Judge Alan M. Koschik
)
Debtor.)

NOTICE OF AMENDMENT TO CHAPTER 13 PLAN
PRIOR TO CONFIRMATION

Debtor has filed an Amendment to his Chapter 13 Plan Prior to Confirmation, in the above captioned bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you have on in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

If you do not want the Court to Confirm debtor's Amended Chapter 13 Plan, or if you want the Court to consider your views on the Amendment then on or before July 13th, 2018 you or your attorney must file with the Court a written request for a hearing and a written response explaining your position at :

**US Bankruptcy Court
455 Federal Building
2 South Main Street
Akron, Ohio 44308**

You must also mail a copy to:

**Debtor(s) Attorney
Mark H. Knevel, Esq.
Knevel Law Co LPA
5240 Transportation Blvd #201
Garfield Heights, OH 44125**

**Chapter 13 Trustee
Keith L. Rucinski,
One Cascade Plaza, Suite 2020
Akron, Ohio 44308**

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought and may enter an order granting that relief.

Respectfully submitted,

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA
Mark H. Knevel, Esq. (0029285)
Attorneys for Debtor
5250 Transportation Blvd Suite 201
Garfield Heights, Ohio 44125
(216) 523-7800 FAX 523-7801
Email: mknevel@knevellaw.com

CERTIFICATION OF SERVICE

I certify a true and correct copy of the Notice of Hearing on Debtor's Second Amended Chapter 13 Plan Prior to Confirmation, was served via the Court's Electronic Case Filing System as indicated below, or by Ordinary US Mail, on this the 22nd day of June, 2018:

Via the court's Electronic Case Filing System on these entities and individuals who are listed on the court's Electronic Mail Notice List:

Office of the United States Trustee – Region 9

Cleveland Office of the United States Trustee, on behalf of Daniel M. McDermitt, United States Trustee for Region 9 at the registered United States Trustee ECF mail box @usdoj.gov, established with the bankruptcy court.

Chapter 13 Trustee

Keith Rucinski at krucinski@ch13akron.com

Joseph A. Ferrise at jferrise@ch13akron.com

By Ordinary US Mail

Debtor

Brandi Monique Daniels
322 Trigonía Drive
Akron, OH 44302

Creditors

All Scheduled Creditors
(See attached Clerk of Courts Mailing Matrix)

/s/ Mark H. Knevel

KNEVEL LAW CO. LPA
Mark H. Knevel, (0029285)
Attorney for Debtor

Label Matrix for local noticing
0647-5
Case 17-52679-amk
Northern District of Ohio
Akron
Fri Jun 22 09:02:26 EDT 2018

ADT Security Systems
c/o Tate & Kirlin Assoc
580 Middletown Blvd Ste
Langhorne, PA 19047-1827

BONY N.A. AS ELT FOR KEYCORP
CLAIMS FILING UNIT
PO BOX 8973
MADISON WI 53708-8973

City of Akron
Public Utilities Bureau
146 S High Street Rm 211
Akron, OH 44308-1894

Credit Collection Services
725 Canton Street
Norwood, MA 02062-2679

Donald L. Stone D.P.M.
3090 West Market Street
Suite 112
Akron, OH 44333-3615

Eagle Loan Co Of Ohio
6817 Pearl Road
Middleburgh Heights, OH 44130-3616

GLHEC on behalf of Great Lakes Higher Ed Gua
PO Box 8961
Madison WI 53708-8961

LVNV Funding, LLC its successors and assigns
assignee of MHC Receivables, LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

Merrick Bank Corp
Po Box 9201
Old Bathpage, NY 11804-9001

Ohio Department of Taxation
Attn: Bankruptcy Division
PO Box 530
Columbus, OH 43216-0530

Ace Cash Express
1231 Greenway Drive
Suite 700
Irving, TX 75038-2556

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Clerk of Courts
Summit County Court of Common Pleas
205 South High Street
Domestic Relations Division
Akron, OH 44308-1663

Digestive Disease Co Akron
c/o First Federal Credit Control
24700 Chagrin Blvd Suite 205
Beachwood, OH 44122-5662

EAGLE LOAN CO
1889 WEST MARKET ST
AKRON OHIO 44313-6909

Edsouth/glelsi
Po Box 7860
Madison, WI 53707-7860

Key Education Resource
P.o. Box 7860
Madison, WI 53707-7860

MERRICK BANK
Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

Mid America Bk/total C
5109 S Broadband Ln
Sioux Falls, SD 57108-2208

455 John F. Seiberling Federal Building
US Courthouse
2 South Main Street
Akron, OH 44308-1848

Atlas Acquisitions LLC
294 Union St.
Hackensack, NJ 07601-4303

Capital One
PO Box 6492
Carol Stream, IL 60197-6492

Comenity Bank - New York & Co.
P.O. Box 659728
San Antonio, TX 78265-9728

Dominion East Ohio Gas Company 9/16
ATTN: Bankruptcy
PO Box 5759
Cleveland, OH 44101-0759

EDSOUTH
CLAIMS FILING UNIT
PO BOX 8973
MADISON WI 53708-8973

First Premier Bank
601 S Minnesota Ave
Sioux Falls, SD 57104-4868

Kristen M. Scalise
Fiscal Officer
Summit County Fiscal Office
175 S. Main Street
Akron, Ohio 44308-1306

Maxlend Cash Advance
P.O. Box 639
Parshall, ND 58770-0639

Midland Funding LLC
PO Box 2011
Warren, MI 48090-2011

Ohio Department of Taxation
Bankruptcy Division
P.O. Box 530
Columbus, OH 43216-0530

Ohio Edison
5001 NASA Blvd
Fairmont, WV 26554-8248

Ohio Edison
Attn: Bankruptcy Department
76 South Main Street
Akron, OH 44308-1817

PNC Bank
P.O. Box 747032
Pittsburgh, PA 15274-7032

Premier Bankcard, LLC
Jefferson Capital Systems LLC Assignee
Po Box 7999
Saint Cloud Mn 56302-7999

Quantum3 Group LLC as agent for
ACE Cash Express INC
PO Box 788
Kirkland, WA 98083-0788

Quantum3 Group LLC as agent for
MOMA Funding LLC
PO Box 788
Kirkland, WA 98083-0788

Santander Consumer USA
Attn: Bankruptcy Dept.
P.O. Box 560284
Dallas, TX 75356-0284

Santander Consumer Usa
Po Box 961245
Ft Worth, TX 76161-0244

(p) SPRINT NEXTEL CORRESPONDENCE
ATTN BANKRUPTCY DEPT
PO BOX 7949
OVERLAND PARK KS 66207-0949

Summa Physicians, Inc.
P.O. Box 630092
Cincinnati, OH 45263-0092

Summit County Fiscal Officer
175 S. Main Street #320
Akron, OH 44308-1310

Support Services Respirator
c/o First Federal Credit Control
24700 Chagrin Blvd Suite 205
Beachwood, OH 44122-5662

T Mobile/T-Mobile USA Inc
by American InfoSource LP as agent
PO Box 248848
Oklahoma City, OK 73124-8848

T-Mobile
c/o Enhanced Recovery Co LLC
8014 Bayberry Rd
Jacksonville, FL 32256-7412

Transworld Systems Inc.
802 E. Martintown Road
Suite 201
North Augusta, SC 29841-5352

US DEPT OF EDUCATION
CLAIMS FILING UNIT
PO BOX 8973
MADISON, WI 53708-8973

US Department of Education /GLELSI
Office of the United States Attorne
Carl B. Stokes United States Court
801 West Superior Avenue, Suite 400
Cleveland, OH 44113-1852

US Department of Education /GLELSI*
Direct Loan Servicing Center
PO Box 5609
Greenville, TX 75403-5609

US Department of Education /GLESLI
Attorney General of the United Stat
Main Justice Building
10th & Constitution Avenue, N.W.
Washington, DC 20530-0001

US Department of Education /Glelsi*
PO Box 7860
Madison, WI 53707-7860

Verizon
by American InfoSource LP as agent
PO Box 248838
Oklahoma City, OK 73124-8838

Verizon Wireless
P.O. Box 4002
Acworth, GA 30101-9003

Woodcove III LLC
PO Box 7055
Beverly Hills, CA 90212-7055

Brandi Monique Daniels
322 Trigon Drive
Akron, OH 44302-1430

Keith Rucinski
Chapter 13 Trustee
One Cascade Plaza Suite 2020
Akron, OH 44308-1160

Mark H. Knevel
Knevel Law Co. LPA
Kannard Professional Bldg.
5250 Transportation Blvd #201
Garfield Heights, OH 44125-5361

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Capital One
15000 Capital One Dr
Richmond, VA 23238-0000

Sprint
P.O. Box 4191
Carol Stream, IL 60197-4191

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Woods Cove III, LLC

End of Label Matrix	
Mailable recipients	56
Bypassed recipients	1
Total	57